

REMARKS

The undersigned agent for applicant wishes to thank Examiner Pickard for the courteous telephone interview she held on September 15, 2004 at which time the radius shown in Figure 3 was discussed.

In the above-referenced Office Action the Examiner rejected Claims 1-6, 10, and 14 under 35 U.S.C. 102(b) as being anticipated by Fiondella (5,337,787).

In making this rejection the Examiner stated, "Fiondella discloses a device for securing a sealing member in a predetermined position comprising a positioning element and retaining element 40. The retaining element is integrally formed as an annulus on a first surface of the positioning element (see Figure 2). The retaining element has a bevel with a first end and second end. The retaining and positioning elements have equal inside diameters. The outside diameter (or the first end of the bevel) of the retaining element is smaller than the positioning element's and a radius is disposed tangent to the first end of the bevel and first surface. The bevel and first surface form a ledge that extends from a lower portion of the bevel to an outer edge of the surface. Fiondella discloses two positioning elements and two retaining elements. A spacer means (plural posts) is integrally provided between the two positioning and retaining elements."

Independent Claims 1 and 10 have been amended to better define the "...radius disposed tangent to said at least one of said first surface and said second surface of said positioning element and transitioning smoothly into said first end of said bevel formed on said outer edge of said retaining member" as was discussed at the interview. It was agreed that Fiondella does not teach or suggest this feature. Because Claims 2-6 add further limitations to Claim 1 and Claim 14 adds a further limitation to Claim 10 they are also believed allowable. Therefore, the Examiner is respectfully requested to withdraw her rejection of Claims 1-6, 10, and 14 under 35 U.S.C. 102(b) as being anticipated by Fiondella (5,337,787).

The Examiner next rejected Claim 15 under 35 U.S.C. 103(a) as being unpatentable over Fiondella. She stated, "Fiondella does not disclose that the number of posts is four. Using four posts is considered a design choice. See *In re Harza* 124 USPQ 378 (CCPA 1960). Further, it is known that a valve cage can have four posts as evidenced by Forster '540. Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to use four posts as a matter of choice in design."

Claim 15 adds a further limitation to Claim 14 which depends from Claim 10 and is therefore believed allowable for the reasons advanced supra. Accordingly, the Examiner is

respectfully requested to withdraw her rejection of Claim 15 under 35 U.S.C. 103(a) as being unpatentable over Fiondella.

The Examiner further rejected Claims 16-20 under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art in view of Fiondella.

In support of this rejection the Examiner stated, "Claims 16-21 are considered Jepson claims because of the phrase 'the improvement comprising.' Therefore, everything before that phrase is considered admitted prior art. Thus, Applicant has disclosed a known combination of a plurality of spool valve shells with a pressure release valve having a high pressure port, low pressure port, spool valve, check valve, and a reset spool. Applicant has not disclosed spool valve shells comprising two positioning element, two retaining elements, a spacer means, and a sealing member. Fiondella teaches spool valve shells for use with valves, spool and ports. Fiondella teaches a sealing member (o-ring) 36 disposed between two opposing positioning elements of two adjacent valve shells 34. Each shell has two positioning elements, two retaining elements 40 and a spacer means. The retaining and positioning elements have equal inside diameters. The outside diameter of the retaining element is smaller than the positioning element's. Fiondella teaches that the shells/cages provide proper fluid sealing between ports in a valve body (col. 2, lines 56-59). Fiondella teaches that the

retaining elements assist in the alignment and proper positioning of the cages and o-rings (col. 3, lines 24-40). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the shells disclosed by the applicant with the shells taught by Fiondella to provide proper positioning and alignment of the cages and seals to ensure proper fluid sealing."

Independent Claim 16 has been amended to now recite, "a radius disposed tangent to said at least one of said first surface and said second surface of said positioning element and transitioning smoothly into said first end of said bevel formed on said outer edge of said retaining member". As discussed supra this feature is neither taught or suggested by the cited reference. Claims 17-20 add further limitations to independent Claim 16 and are therefore believed allowable. Accordingly the examiner is respectfully requested to withdraw her rejection of Claims 16-20 under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art in view of Fiondella.

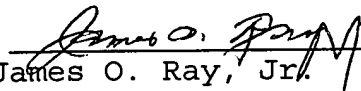
Finally, the Examiner rejected Claim 21 under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art in view of Fiondella as applied to claim 20 above, and further in view of Applicant's admitted prior art (spec. page 1, lines 19-21), stating "Fiondella discloses a resilient seal, but does not specify the material. Applicant admits that using nitrile

material for a seal provides a leak-proof seal. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to make the seal of nitrile to provide a leak-proof seal." This rejection is believed to be overcome since this Claim only adds a further limitation to an allowable claim.

In view of the above amendments to the Claims and the remarks associated therewith it is respectfully submitted that Claims 1-6, 10, and 14-21 are in condition for allowance and such allowance by the examiner is respectfully requested.

In the event the Examiner has further difficulties with the allowance of the application, he is invited to contact the undersigned attorney by telephone at (412)380-0725 to resolve any remaining questions or issues by interview and/or by Examiner's amendment as to any matter that will expedite the completion of the prosecution of the application.

Respectfully submitted,

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